

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

ALLAN A. PETERSEN,

Plaintiff,

v.

**CIVIL ACTION NO. 3:06CV114
(BAILEY)**

**ANDURAY WHITE, V. FERNANDEZ, L.
LEESON, RODNEY BUCKLEW, D. YOST,
SUSAN S. MCCLINTOCK, DOMINIC A.
GUTIERREZ, B. CALLAHAN, OFFICER
KOVSEK, R. TRYBUS, WILLIAM LAYHUE,**

Defendants.

**ORDER DENYING AS MOOT PLAINTIFF'S MOTION FOR PRELIMINARY
INJUNCTION AND MOTION FOR LEAVE TO CONTINUE CASE**

The *pro se* plaintiff initiated this civil rights action on October 27, 2006. In the complaint, the plaintiff asserts that officials at FCI-Morgantown unlawfully censored and tampered with his legal and special mail correspondence. This case is before the Court on the plaintiff's Motion for Leave to Continue Case and Motion for Preliminary Injunction.

In his motion for injunctive relief, the plaintiff seeks an Order from the Court directing officials at FCI-Morgantown to place him back in the general population and to return all of the plaintiff's legal and personal property. In his motion to continue, the plaintiff seeks a stay of these proceedings because officials at FCI-Morgantown placed him in the Segregated Housing Unit where it is impossible for him to "make any adequate responses."

A review of the record in this case shows that the plaintiff was transferred from FCI-Morgantown on May 14, 2007. The plaintiff is currently incarcerated at the Federal Prison Camp in Montgomery, Alabama. Thus, because the relief sought in the pending motions

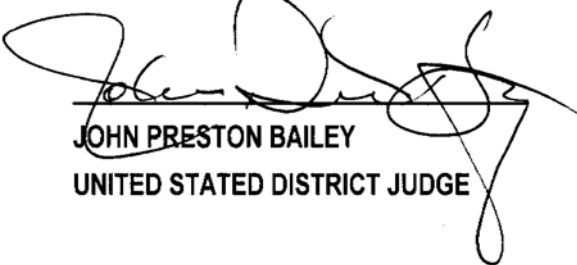
is specific to the plaintiff's incarceration at FCI-Morgantown, and the plaintiff he has not made any further allegations since his transfer to FPC-Montgomery, the plaintiff's claims are now moot.

Accordingly, the plaintiff's **Motion Requesting Leave of the Court for Continuance** [Doc. No. 31] and **Motion for Preliminary Injunction** [Doc. No. 33] are **DENIED AS MOOT**. See *Blanciak v. Allegheny Ludlum Co.*, 77 F.3d 690, 698-699 (3d Cir. 1996)(if developments occur during the course of a case which render the Court unable to grant a party the relief requested, the issue becomes moot).

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* petitioner and to transmit a copy to counsel of record via electronic means.

DATED: January 8, 2008.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE